

AGRICULTURE STREET LANDFILL

Louisiana

EPA ID# LAD98105699

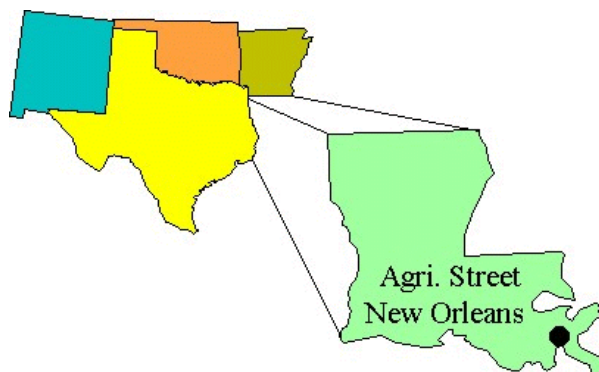
EPA Region 6

Congressional

District 02

Orleans Parish, New Orleans

Last Update: February 18, 2003



Site Description

Location: The site is located in New Orleans, Orleans Parish, Louisiana. It is approximately three miles south of Lake Pontchartrain and 2.5 to 3.0 miles north-northeast of the Vieux Carre and the Central Business District. The approximate geographic coordinates for the center of the site are 29°59'20" north latitude and 90°02'31" west longitude. The site is bounded on the north by Higgins Road and on the east from Clouet Street (to the south) to Montegut Street (to the north). On the south and west, the site runs along the Southern Railroad right-of-way. The Peoples Avenue and Florida Avenue canals are located west and south of the site, respectively.

Population: The 1990 Census identifies 390 residential units (some 1,000 people) on the site. The community is predominately African-American, with middle- to-low income levels.

Setting: A 95 acre former City disposal area that has been partially redeveloped. 47 acres of the site have private and public housing; the Press Park Community Center; a recreation center; retail businesses, and the Moton Elementary school. The remainder of the site is undeveloped and covered by dense vegetation.

Hydrology: The Peoples Avenue canal is to the west and the Florida Avenue canal is to the south. Both receive storm water run-off from the site. Canal water is pumped into Industrial Canal which then discharges into Lake Pontchartrain. A shallow aquifer (that is not a drinking water source) that underlies the site is encountered between 2 and 9 feet below land surface.

Present Status and Issues

- The remedy for the site is completed and no further action planned.
- The first five-year review is ongoing. The integrity of the cap was inspected by EPA and its contractor, and LDEQ on October 17, 2002.
- Permanent relocation has been sought by some members of the 1000 person community while redevelopment is preferred by others. The issue is extremely polarizing. The EPA

examined Superfund law and cannot relocate as the redevelopment remedy is feasible and protective.

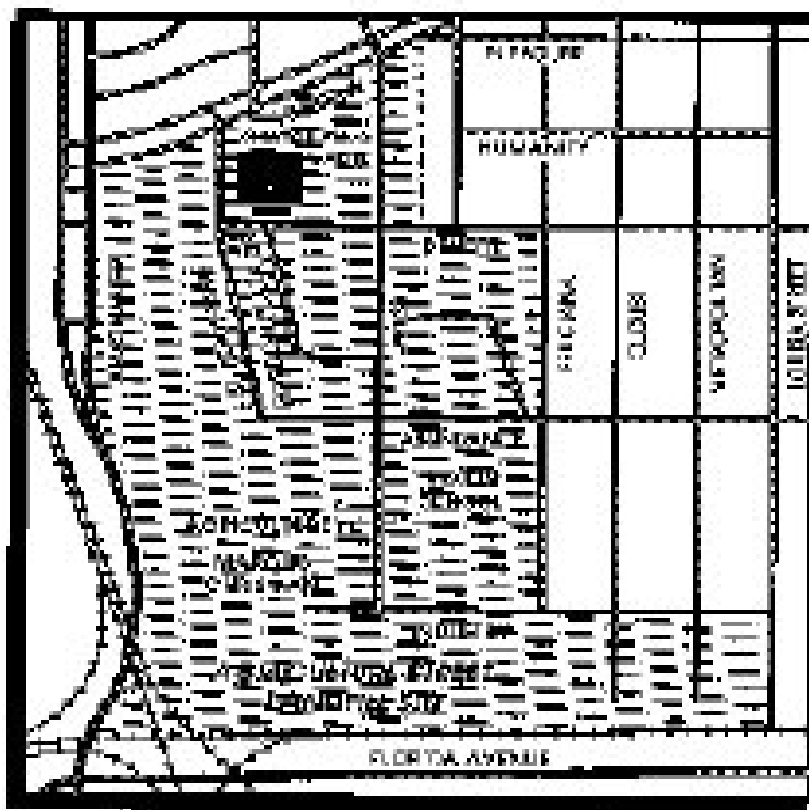
Wastes and Volumes

- When in operation, the disposal area accepted municipal garbage, construction debris, incinerator and open burning ash. This type of material ranges in depth from 2 to more than 32.5 feet beneath the 95 acre site.
- The primary contaminants of concern are lead, arsenic, and carcinogenic polynuclear aromatic hydrocarbons (cPAHs).
- During the soil removal action, EPA estimated approximately 121,600 cubic yards of existing soil/waste material would be excavated from 61 acres of the site. This estimate was based on removing two feet of soil from the residential properties and the community center, and clearing the dense vegetation on the undeveloped property.
- At the time of demobilization in January 2000, approximately 95.5% of the site had been addressed by the removal action. The remaining 4.5% of the land belong to private homeowners who elected not to participate in the voluntary removal action. EPA implemented the removal action at 179 Housing Authority of New Orleans (HANO) town homes, 128 Gordon Plaza apartments, 7 retail businesses, and 25 out of 67 single family homes located in the Gordon Plaza subdivision. The entire undeveloped property was cleared grubbed, graded, lined, and covered with 1 foot of fill. A total of 52,615 tons of soil was excavated at the site and a total of 177,293 cubic yards of backfill was utilized on site.
- Upon demobilizing from the second and final phase of the soil removal action in March 2001, approximately 3.5% of the site had been addressed as part of the response action, including 33 private homes. The remaining 1% of the site belongs to nine private homeowners in the Gordon Plaza subdivision who elected not to participate in the removal action. A total of 16,416 tons of soil was excavated at the site and a total of 18,652 cubic yards of backfill and topsoil was installed on site.

Site Assessment and Ranking

NPL LISTING HISTORY
Site HRS Score: 50.00
Proposed Date: 8/23/94
Final Date: 12/16/94
NPL Update: No. 13

Site Map and Diagram



The Remediation Process

Site History:

- 1910 to 1948 - Swamp area used as a dump by the city of New Orleans.
- 1948 to 1958 - Dump is converted and used as a sanitary landfill.
- 1958 - Landfill is closed.
- 1965 - Landfill re-opened to receive debris created by Hurricane Betsy; open burning of waste continued for 6 to 7 months, after which the area was covered with ash from city incinerators and compacted with bulldozers.
- 1977 to 1986 - The northern portion of site was re-developed to support housing (390 properties are on the site of the old landfill), small businesses, and the Moton Elementary school. The residential properties received a relatively thin (often 6 inches or less) covering of soil; the Moton School was built upon several feet of clean fill.
- 1986- The EPA completed a site investigation. Under the "old" Hazard Ranking System which excluded ingestion, the site did not qualify for placement on the National Priorities List (NPL).
- 1993- On May 4, community leaders from the Moton Elementary school area filed a complaint with the Gulf Coast Tenants Organization and requested EPA to re-evaluate

- the site. In September, EPA collected additional samples for use in the revised HRS model (that reflects ingestion and a soil pathway).
- 1994- EPA initiated an accelerated remedial investigation integrated with removal actions. Fieldwork was completed in May 1994, including the erection of a fence around the undeveloped area and removal of highly contaminated soils at a children's play area. The site was proposed to the NPL on August 23, 1994. Due to community concerns created by the Superfund listing, the school board announced on August 24 that the Moton School would not open and that students would be bussed to a different school. The site was formally added to the NPL on December 16, 1994.
 - Beginning in May 1996, and concluding with the signing of remedy decisions in September 1997, the EPA sought input through numerous workshops and publications of newsletters. In response to community concerns, the remedy was expanded from a \$12 million redevelopment concept to a \$20 million project. Increases in cost were due to the EPA's agreement to dispose of residential excavations off-site and to expand the remedy to include the undeveloped properties for a comprehensive solution.
 - A 1996 health report developed by the Louisiana State Health Department (LaOPH) in conjunction with the Agency for Toxic Substances and Disease Registry (ATSDR) performed a Health Consultation.
 - September 25, 1997, EPA entered into an interagency agreement with the U.S. Army Corps of Engineers (USACE) to conduct the voluntary soil removal action.
 - December 4, 1997, EPA and the Corps of Engineers sponsored a Small Business Conference for subcontractors in New Orleans.
 - In the 1998 appropriations conference report (HR 2158; Independent Agencies Appropriations Act) on EPA's budget, a rider was attached that strongly urges the Agency to "...stay the remediation of the site...", based on health risks concerns.
 - December 19, 1997 Senators Landrieu and Breaux, Congressman Jefferson, Mayor Morial, the City council representative and the community leader, jointly signed a letter to EPA requesting delay of the remedy until Congress could appropriate funds.
 - January 15, 1998, the Concerned Citizens of Agriculture Street Landfill, Inc. filed a Complaint and Motions for Temporary Restraining Order (TRO) and Preliminary Injunction. January 15, the U.S. District Court in New Orleans granted the motion for a TRO and scheduled a preliminary injunction hearing.
 - February 19, 1998, the Judge heard oral arguments from counsel representing the Concerned Citizens of Agriculture Street Landfill, Inc. and the EPA, on the United States' Motion to Dismiss the Action. The Action was dismissed March 9, 1998.
 - Five residents from the community completed the 6 week worker training program offered by the National Institute of Environmental Health Sciences (NIEHS) thru EPA on April 17, 1998.
 - ATSDR in conjunction with LaOPH conducted an Environmental Health Interventions Project in May 1999. Its intent was to enhance environmental health services in community's environmental health services.
 - The Mayor of New Orleans met with EPA's Administrator on May 8, 1998, to discuss concerns associated with the selected actions. As a follow-up to this meeting, Region 6 attended the city of New Orleans' technical meeting on the Agriculture Street Landfill site on July 9, 1998. The intent of this effort was to discuss/reaffirm the effectiveness of the selected removal action from a technical/science approach.
 - August 5, 1998 EPA announced plans to start the pre-mobilization phase in order to start the implementation of the voluntary soil removal action in October 1998.
 - In September 1998, EPA participated in meetings with representatives from the

Department of Housing and Urban Development (HUD), New Orleans Mayor Marc Morial's office, and elected officials concerning relocation.

- Monday, October 19, 1998, EPA, the USACE and its contractors mobilized to the site to implement the voluntary soil removal action at the Gordon Plaza Apartments.
- October 29, 1998 letter from HUD to the city of New Orleans and elected officials stating no programs are available that offer relocation.
- Access agreements mailed to remaining property owners November 23, 1998, to prepare for remaining soil removal activities planned for Spring, 1999.
- November 1998, IT Group's, Mr. Dennis Alexander was recognized by Louisiana State Representative Naomi E. Farve and the Desire Community for his instrumental role in the training and hiring of 15 individuals from the community, at the EPA's Agriculture Street Project.
- The permeable soil barrier successfully completed on the undeveloped property, the Gordon Plaza Apartments and business complex, the Press Park Townhomes, and the Shirley Jefferson Community Center. Twenty five of 67 residents in the Gordon Plaza subdivision participated in the soil removal activities. A total of 19,720 cubic yards of debris, 1,773 tires, and 59,105 cubic yards of excavated material were removed from the site. Restoration and demobilization activities were completed in January 2000 and removal activities were suspended.
- The Notice of Intent for Partial Deletion (NOIPD) of the Agriculture Street Landfill Site Operable Unit 4 (OU4 - Moton School), including the Mugrauer playground and Operable Unit 5 (OU5 - Groundwater) from the National Priorities List (NPL), was published in the Federal Register on February 7, 2000. The public comment period for the NOIPD started 2/7/00 and ended 3/17/00. Three written comments were received.
- The Notice for Partial Deletion (NOPD) of the Agriculture Street Landfill Site Operable Unit 4 (OU4 - Moton School), including the Mugrauer playground and Operable Unit 5 (OU5 - Groundwater) from the National Priorities List (NPL), was published in the Federal Register on June 15, 2000, and in a local newspaper on June 15, 2000.
- Received ATSDR's Health Consultation Reports titled "Evaluation of Air Sampling Data Collected from 10/1/99-10/15/99, 10/18/99-10/29/99, and 11/1/99-11/11/99". Reports are dated 6/7/2000.
- EPA offered one final opportunity for the remaining 42 residents to participate in the soil removal action. During the week of August 1, 2000, letters were sent to homeowners describing EPA's upcoming plans and the need for full participation in order to offer to determine the amount interest before mobilizing onsite one final time.
- On August 7, 2000, EPA's and the Corps of Engineers' contractors mobilize onsite to initiate Phase 1 of the soil removal action. Phase 1 consists of collecting access and landscape agreements and documenting the conditions of the property. The command post is located in the community center.
- Soil removal activities commence 9/20/00. 33 out of 42 residents in the subdivision have provided access agreements to participate in this final effort.
- Certified letters were mailed on 1/01, to the remaining 11 residents informing them that EPA is nearing the completion of the second and final phase of the Non-Time Critical Soil Removal Action and of the final solicitation to conduct the removal action.
- Excavation activities were completed on the 33 homes that provided access the 2nd week of February. The contractor demobilized equipment and crews from the site on March 9, 2001.

- Closeout Letters including a Certificate of Completion, and instructions on how to maintain the permeable cap were sent to property owners that participated in the 1st and 2nd and final phase of the soil removal action. Letters were mailed the week of January 28, 2000 and March 23, 2001 respectively.
- EPA and LDEQ performed a site inspection on April 27, 2001, to view removal activities performed during the 2nd phase.
- A “No Further Action” Proposed Plan of Action for OU1, 2, and 3 was issued to the public and placed on the site’s web page on 10/12/01 and 10/15 respectively. A notice was also published in the Times Picayune on 10/12, alerting the public of the start of the 30 day public comment period and the availability of the Administrative Record including Close Out Reports and other pertinent documents at the repositories.
- A 30 day extension was granted for public comments that concluded 12/13/01.
- The Record of Decision for OU1-3 (including the Responsiveness Summary) and the final Close Out Report were signed April 2, 2002.
- The Close Out Reports developed during Phase I and II (dated June 2000 and June 2001 respectively) were signed July 5, 2001.

Health Considerations:

- MOTON SCHOOL: No health or environmental problems detected; the school built on top of 3 to 5 feet of clean fill.
- SHALLOW GROUND WATER: found to be contaminated with elevated levels of metals. However, several sources could have attributed to the levels. Also, this aquifer is not useable by humans and does not impact surface water.
- RESIDENTIAL AREAS - SOILS:
 - * **Surface Contamination (prior to the implementation of the 1997 Action Memorandum)** - Marginal human health risk:
 - 1.3 X 10⁻⁴ lifetime cancer risk (all contaminants of concern);
 - 6.1% children with projected risk (Lead (Pb) concentrations 500 to 1,000 parts per million (pm)).
 - * **Future Surface Contamination** - If landfill materials below the top foot of soils were exposed due to human activity, health risks would increase to:
 - 5.0 X 10⁻⁴ lifetime cancer risk (all contaminants of concern);
 - 63.8% children with projected risk (Pb concentrations 1,000 to 4,000 ppm).
- UNDEVELOPED PROPERTY SOILS:
 - * **Surface Contamination** - Prior to the soil removal action, contamination levels on the undeveloped property (OU1) ranged from 37.2 to 28,300 ppm lead. There is no routine of exposure to people due to dense vegetation covering the property and the presence of an 8 foot fence. Since the response action, dense vegetation has been

removed, the property has be graded to facilitate proper drainage, a geotextile permeable barrier has been installed along with a foot of clean fill to reduce exposure to contaminants, and the fence is maintained on the property.

- * **Future Surface Contamination** - City zoned tracts "commercial."

Other Environmental Risks:

- The site is an urban setting; there are minimal ecological impacts.

Record of Decision

Proposed Plan for OU1-5, released
2/28/97
Opportunity for additional comments on
OU1, released 7/3/97
Decision Documents Signed:
9/2/97, ROD for OU4-5
9/2/97, Action Memorandum for OU1-3
Proposed Plan for OU1-3, released
10/12/01
ROD for OU1-3 signed 4/2/02

- In the 1997 Record of Decision, EPA selected no action as the remedy for Moton Elementary School (OU4), and groundwater (OU5). EPA's rationale for this decision is that previous actions at the school have addressed all risks posed by this portion of the site and that no further action is necessary for this property. Information obtained in the course of site investigations indicated that a three-foot layer of clean fill had been placed over the property during construction of the school facility in 1985. The Moton School property was further evaluated in the Human Health Risk Assessment, which concluded that no risk attributable to site related contaminants remains at the property.

During site investigative activities, information obtained from the Louisiana Department of Environmental Quality (LDEQ) indicated that groundwater beneath the site is not used for any beneficial purpose and should not be considered a potential source of drinking water. Residents in the site area are served by the municipal drinking water supply of the City of New Orleans. Site groundwater presents no other pathway of exposure. Thus, no action is warranted for this operable unit.

Because these no-action remedies will result in hazardous substances remaining onsite, at least one five year review will be conducted following the completion of the remedial action in accordance with CERCLA Section 121(c), 42 U.S.C. Section 9621(c). Should the future review indicate the site poses an unacceptable risk to human health or the environment, EPA may initiate response actions under the authority of CERCLA and in accordance with the NCP.

- The Action Memorandum which describes response actions for the undeveloped property (OU1), residential properties (OU2), and the Shirley Jefferson Community Center (OU3), provided prompt risk reduction through expedited action. The response actions, together with responses documented in the Record of Decision for Moton Elementary and groundwater, provided a comprehensive response to environmental contamination at the Agriculture Street Landfill Site.

The 48-acre undeveloped property, was cleared of vegetation, capped with 12 inches of soil, graded, and compacted. A layer of geotextile filter fabric was placed on the subgrade to create a physical barrier between clean cover soils and contaminated subsoil.

The top 24 inches of existing soil/waste material on the residential properties and community center, was excavated and transported off-site for disposal. Permeable geotextile filter fabric was placed on the subgrade and covered with clean fill. Surface features were replaced or returned as nearly as possible to “as was” condition.

- A Record of Decision on OU1-3 was signed April 2, 2002. EPA selected no further action as the remedy for the undeveloped property (OU1), the residential properties (OU2), and the Shirley Jefferson Community Center (formerly known as the Press Park Community Center - OU3). Previous response actions implemented on OU1, OU2, and OU3, in accordance with the Action Memorandum signed September 2, 1997, have eliminated the need for further remedial response on these operable units. EPA’s goal expressed through the Action Memorandum and to the community was to:
 - Remove the environmental threats to residents;
 - Prevent the release of COPC-contaminated dust to the air at concentrations that could adversely affect human health and the environment;
 - obtain consent and participation of the community; and
 - leave the community fully functioning and a better place to live than before Superfund designation.

This goal has been achieved and the implemented action ensures the protection of human health and the environment. The selected remedy complies with Federal and State requirements that are applicable or relevant and appropriate to the response action, is cost-effective, and utilizes permanent solutions.

Because hazardous substances, pollutants, or contaminants remain onsite in subsurface soil below one and two feet, above levels that allow unlimited use and unrestricted exposure, as a matter of policy, EPA will conduct at least one five year review, to ensure that the implemented action is protective of human health and the environment.

Community Involvement

- Community Involvement Plan: Developed 03/94
- Open houses and workshops: 8/93, 9/93, 2/94, 6/94, 9/94, 10/94, 11/94, 1/95, 7/95, 3/96, 4/96, 5/96, 7/96, 8/96, 11/96, 2/97, 3/97, 6/97, 9/97, 9/9-11/98, and 10/19-21.
- Availability Sessions: 10/4-5/2000, 11/8-9/2000, 1/25/01, 5/15-16/02.
- Proposed Plan Fact Sheet for OU1-5: Issued to the residents for comments on 4/17/96. The formal decision making process commenced with the issuance of the 2/28/97 Proposed Plan Fact Sheet. The initial public comment period occurred March 5 - May 12, 1997. Two

public meetings were conducted on 3/19/97. One was conducted in the morning for the seniors, followed with an evening meeting. A "Notice of Opportunity to Comment" on EPA's plans for the undeveloped property (OU1) was issued 7/3/97. The 30 day informal comment period commenced 7/7 and ended August 5, 1997.

- ROD/Action Memorandum Fact Sheet: Issued 9/97. An availability session was conducted on 9/10, and two information meetings were conducted 9/11, to discuss the selected remedy and its implementation.
- Milestone Fact Sheets: 8/93, 9/93, 12/93, 2/94, 3/94, 4/94, 5/94, 9/94, 10/94, 11/94, 12/94, 7/95, 4/96, 6/96, 7/96, 8/96, 11/96, 2/97, 7/97, 9/97, 10/97, 12/97, 8/98, 9/98, 11/98, 12/98, 2/99, 3/99, 4/99, 5/99, 6/99, 10/99, 12/99
2000: 2/00, 6/00, 7/00, 9/00, 10/00, 11/00, 12/00
2001: 1/01, 10/01
2002: 5/02
- Postcards issued on 4/24, 6/15/00, 6/00, 2 issued in 9/00, 10/00, 11/00, 12/00, 10/01, 5/02, 10/02.
- Resident Guide issued 8/98, updated 11/98 and included a magnet with phone numbers to call for questions about site activities. Availability Sessions were offered at EPA's Outreach Office and the Senior Citizen's complex September 9-11, 1998 to help residents become familiar with the Resident Action Guide and its function, in preparation to start the removal action in October 1998.
- Several Information Meetings and Availability Sessions conducted October 19-21, 1998 to prepare residents for the Voluntary Soil Removal Action.
- The community was notified through an Information Bulletin issued in April 1999, that soil removal activities at the community center will move forward on 4/12.
- Deletions: 2/7/00 - Notice for Partial Deletion appears in the Federal Register to delete Moton School, and Groundwater from National Priorities List. Published in the local newspaper on 2/8/00.
 6/18/00 - Announce final deletion of Agriculture Street Landfill Operable Unit No. 4 (Moton Elementary School) and Operable Unit No. 5 (Groundwater) from the National Priorities List (NPL) in the Federal Register. Postcards of this announcement were also mailed.
- Postcards with information of EPA's upcoming plans to start soil removal activities in the community were hand delivered on 9/8/00.
- Postcards mailed to 42 Gordon Plaza subdivision residents informing them of EPA Availability Sessions that were held October 4-5, 2000.
- Flyers were distributed in November and December 2000, informing the residents of the work schedule planned during the Thanksgiving and Christmas holidays.
- Bulletin distributed in the community on 1/01, informing residents that the 2nd and final phase of the soil removal action was nearing completion.
- "No Further Action" Proposed Plan on OU1, 2, and 3 issued to the public for comments on 10/12/01. The formal decision making process commenced on 10/12/01 and concluded 12/13/01. Two public meetings were conducted; 10/18/01 for the seniors, and 10/25/01 for the community and general public.

- Record of Decision on OU1-3 signed April 2, 2002.
- Citizens on site mailing list: 458
- Site Repositories:
 - (1) Louisiana Department of Environmental Quality - (225) 765-0428
 - (2) EPA Community Outreach Office - (504) 944-6445
 - (3) EPA-Region 6 - (214) 665-6548
- Community Concerns: Health risks to adults and children, desire to relocate, property values.

Technical Assistance Grant

- Availability Notice: 6/94; re-advertised 7/94
- Letters of Intent Received:
 - 1) Concerned Citizens of Agriculture St. Landfill (CCASL)
 - 2) Citizens For An Environmentally Safe Press Park
- Final Applications Received: 9/20/94, 9/24/97
- Grants Awarded: 09/27/94, 2/11/98 to Concerned Citizens of Agriculture St. Landfill (CCASL)
- Technical Advisor selected: 3/30/95
- Budget periods: 9/27/94-9/26/97, 9/27/97-9/26/00
- Technical Advisor selected: Wilma Subra Company, New Iberia, LA ob 3/30/95
- Status: Funds associated with the TAG were expended and the grant was closed effective April 7, 2000.

Site Contacts

EPA Remedial Project Manager:	Ursula Lennox	214-665-6743, Mail Code: 6SF-LP
EPA Community Involvement Coordinator:	Janetta Coats	214-665-7308, Mail Code: 6SF-PO
EPA Attorney:	Pamela Travis	214-665-8056, Mail Code: 6RC-S
EPA Ombudsman:	Arnold Ondarza	1-800-533-3508
EPA State Coordinator:	Kathy Gibson	214-665-7196
EPA Toll-Free Telephone Number:		1-800-533-3508.
LDEQ State Contact:	William Perry	225-765-0461
Prime Contractor:	Interagency Agreement with the Corps of Engineers, Larry Poindexter	504- 862-2937

Enforcement

- February 25, 1999 - EPA issued a Unilateral Administrative Order (UAO) to the city of New Orleans, according to Superfund regulations (CERCLA Section 104(e)(5), 42 U.S.C. § 9604(e)(5)), to obtain access to street extensions and other property owned by the city within the boundaries of undeveloped property, that is part of the site. The City of New Orleans is the sole potentially responsible party for the site.
- The Housing Authority of New Orleans (HANO) signed access agreements on 3/5/99, granting EPA access to remediate its properties located on the site. This property

- includes the community center and the town homes owned by HANO.
- Although HANO granted EPA access to remediate its properties, work stopped to allow the United States District Court to make a determination on the Temporary Restraining Order that was granted to the city of New Orleans on March 8, 1999, against EPA, IT Corporation, and the Housing Authority of New Orleans (HANO). The U.S. District Court for the Eastern District of Louisiana dismissed the case of City of New Orleans v. Carol Browner, et al., Civil Action No. 99-075, Section E/3 (E.D. La.), on March 31, 1999. The case against the HANO was dismissed without prejudice.
 - A conference call was conducted on April 7, 1999, between the Judge, the Plaintiffs (the city of New Orleans), and EPA and DOJ (the Defendants), to determine if any new information exists that needs to be considered regarding the Judge's ruling that grants EPA access to the city's property on the undeveloped property (OU1). The Judge maintained his earlier decision.
 - The city of New Orleans appealed the District Court's decision on access to the 5th U.S. Circuit Court of Appeals. On 2/11/00, a three-judge panel of the 5th U.S. Circuit Court of Appeals concluded that the District Court did not err.
 - August 1, 2000 - Region 6 filed a referral with the Department of Justice (DOJ) for a cost recovery action against the City of New Orleans for past costs incurred at the site.

Benefits

- A removal action from 9/93 to 5/94 secured an undeveloped area of the site and addressed short-term risks.
- The Non-Time-Critical-Removal on OU1, 2, and 3, governed by the September 2, 1997 Action Memorandum, addressed the potential long-term risks and protects the health of over 1000 people living on the site.